SZABO 201.1-KFM

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant : ANDREW J. SZABO

Serial No.

09/400,649

Filed

: September 21, 1999

For

NUTRITIONAL OPTIMIZATION SYSTEM AND

METHOD

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Examiner : Samuel G. Rimell

Technology Center 2100

Customer No. :

010037

July 6, 2004

## MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

## TRANSMITTAL LETTER

Transmitted herewith in triplicate is a Brief on Appeal for this application. Also enclosed is a check in the amount of \$165 for the PTO fee.

The PTO fee is calculated as follows:

- [ 3] \$320 for other than small entity.
- [X] \$165 for small entity.

If any extension of time for this Appeal Brief is required, applicant requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 50-0427.

## ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 50-4027.

Respectfully submitted,

By Steven M. Hoffberg

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I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date JULY 6, 2004

MILDE HONFBERG & MACKLIN, LLP